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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LAM, VINH TANG

ART UNIT

PAPER NUMBER

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NOTIFICATION DATE

DELIVERY MODE

12/31/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/599,568	Applicant(s) HUCKEMANN ET AL.	
	Examiner VINH T. LAM	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/26/2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 1-7 and 9-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8 and 13-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 April 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/05/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the **second paragraph** of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim **8** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The limitation of Claim **8** "...wherein **the pulses** are generated ..." is not clear.

What "...**the pulses** ..." the applicant is referred to?

Which "**the pulses** ..." the applicant is referred to? Is the applicant referring to **electrical feedback pulses** or **pulse-shaped mechanical feedback** or both?

To further advance prosecution, the Examiner interprets "...**the pulses** ..." as pulses of any one of the mentioned above.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims **8** and **13-22** are rejected under 35 U.S.C. 102(b) as being anticipated by **Rosenberg et al. (US Patent No. 6147674)**.

Regarding Claim **8**, (Currently amended) **Rosenberg et al.** teach a control device for moving at least one machine element of a machine tool or production machine, said control device comprising:

a control element (user object **34** (i.e. joystick); Col. **10**, Ln. **30-31**, FIG. **1**) adapted for deflection from a rest position (Col. **12**, Ln. **30-38**, FIG. **3**);

a sensor (i.e. **28**, Col. **9**, Ln. **18-23**, FIG. **1**) measuring a deflection of the control element (Col. **9**, Ln. **18-23**, FIG. **1**) and generating in response to a measured magnitude and duration (i.e. other **characteristics** that would be inherently comprised magnitude and duration, Col. **9**, Ln. **18-23**, FIG. **1**) of the deflection a set value (i.e. **position, motion, and/or other characteristics**, Col. **9**, Ln. **18-49**, FIG. **1**) for a controller (i.e. **26** and/or **12**, Col. **9**, Ln. **50-62**, FIG. **1**) to move the machine element (Col. **9**, Ln. **63-66**, FIG. **1**); and

means for providing electrical feedback pulses (i.e. to drive **stepper motors**, Col. **10**, Ln. **2-6**, FIG. **1**) to the control element to generate a corresponding pulse-shaped mechanical feedback (i.e. signal driving **stepper motors**, Col. **10**, Ln. **2-6**, FIG. **1**) to be detected by an operator (i.e. **22**, Col. **6**, Ln. **37-39**, FIG. **1**), wherein the pulses are generated both during movement of the control element from the rest position (Col. **9**, Ln. **18-23**, FIG. **1**) and while the control element is held in a deflected steady state (Col. **10**, Ln. **50-52**, FIG. **1**), with a number of the provided pulses being commensurate with a change in the set value (Col. **44**, Ln. **1-13**, FIG. **18**).

Regarding Claim **13**, (Previously presented) **Rosenberg et al.** teach the control device of claim 8, wherein the set value is a position set value (Col. **9**, Ln. **19-23**, FIG. **4**).

Regarding Claim **14**, (Previously presented) **Rosenberg et al.** teach the control device of claim 8, wherein the set value is a speed set value (Col. **9**, Ln. **19-23**, FIG. **4**).

Regarding Claim **15**, (Previously presented) **Rosenberg et al.** teach the control device of claim 8, constructed as a member selected from the group consisting of joystick, joy-wheel, and computer mouse (Col. **11**, Ln. **9-14**, FIGs. **1**, **2a**, & **3**).

Regarding Claim **16**, (Previously presented) **Rosenberg et al.** teach the control device of claim 8, wherein a change in speed of the set value increases disproportionately with a magnitude of the deflection when a given deflection is exceeded (Col. **18**, Ln. **8-13**, FIG. **6**).

Regarding Claim **17**, (Previously presented) **Rosenberg et al.** teach the control device of claim 8, wherein the pulse-shaped mechanical feedback is electromagnetic (Col. **11**, Ln. **15-19**, FIGs. **2a** & **2b**).

Regarding Claim **18**, (Previously presented) **Rosenberg et al.** teach the control device of claim 8, further comprising a monitor screen, said control device being represented on the monitor screen in the form of a corresponding virtual handwheel (Col. **42**, Ln. **21-26**, FIG. **14**).

Regarding Claim **19**, (Previously presented) **Rosenberg et al.** teach the control device of claim 8, wherein the pulse-shaped mechanical feedback is provided to the operator for each change in the set value (Col. **44**, Ln. **2-13**, FIG. **18**).

Regarding Claim **20**, (Currently amended) **Rosenberg et al.** teach a control method for displacing at least one machine axis element of a machine tool or production machine, said control method comprising the steps of:

detecting (i.e. **28**, Col. **9**, Ln. **18-23**, FIG. **1**) a magnitude and duration (i.e. other **characteristics** that would be inherently comprised magnitude and duration, Col. **9**, Ln. **18-23**, FIG. **1**) of a deflection of a control element (user object **34** (i.e. joystick); Col. **10**, Ln. **30-31**, FIG. **1**) which is adapted to be deflected from a rest position (Col. **12**, Ln. **30-38**, FIG. **3**);

generating in response to a measured magnitude (i.e. **386**, Col. **44**, Ln. **1**, FIG. **18**) and duration (i.e. **402**, Col. **44**, Ln. **25**, FIG. **18**) of the deflection a set value (i.e. **position, motion, and/or other characteristics**, Col. **9**, Ln. **18-49**, FIG. **1**) for a controller (i.e. **26** and/or **12**, Col. **9**, Ln. **50-62**, FIG. **1**) to move the machine element (Col. **9**, Ln. **63-66**, FIG. **1**); and

providing electrical feedback pulses (i.e. to drive **stepper motors**, Col. **10**, Ln. **2-6**, FIG. **1**) to the control element to generate a corresponding pulse-shaped mechanical feedback (Col. **44**, Ln. **1-13**, FIG. **18**) to be detected by an operator (i.e. **22**, Col. **6**, Ln. **37-39**, FIG. **1**), wherein the pulses are generated both during movement of the control element from the rest position (Col. **9**, Ln. **18-23**, FIG. **1**) and while the control element is held in a deflected steady state (Col. **10**, Ln. **50-52**, FIG. **1**), with a number of the

provided pulses being commensurate with a change in the set value (i.e. user-defined a comparable haptic feedback, Col. **44**, Ln. **1-13**, FIG. **18**).

Regarding Claim **21**, (Previously presented) **Rosenberg et al.** teach the control method of claim 20, further comprising the step of representing the control element on a monitor screen as a corresponding virtual handwheel (Col. **42**, Ln. **21-26**, FIG. **14**).

Regarding Claim **22**, (Previously presented) **Rosenberg et al.** teach the control method of claim 20, wherein the pulse-shaped mechanical feedback is provided to an operator for each change in the set value (Col. **44**, Ln. **2-13**, FIG. **18**).

Response to Arguments/Amendments/Remarks

3. Applicant's arguments, see Page(s) 6 filed 10/06/2009, with respect to Claims **8** and **20** have been fully considered and are **NOT** persuasive.

Applicant argues that **Rosenberg et al.** do not teach "...a number of the provided pulses being commensurate with a change in the set value...". However, the Examiner respectfully disagrees because **Rosenberg et al.** undisputedly and inherently teach the above limitation since **Rosenberg et al.**'s window of interface 380 would allow user to manually input parameters that are comparable to all of haptic feedback characteristics including magnitude and duration.

4. Claims **1-7** and **9-12**, are canceled.

Conclusion

The prior art(s) made of record and not relied upon (is)/are considered pertinent to applicant's disclosure: Rosenberg; Louis B. et al. (US Patent No. 5,691,898).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VINH T. LAM whose telephone number is (571)270-3704. The examiner can normally be reached on M-F (7:00-4:30) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amare Mengistu can be reached on (571) 272-7674. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2629

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vinh T Lam/
Examiner, Art Unit 2629

/Amare Mengistu/
Supervisory Patent Examiner, Art Unit 2629